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August 26, 1994

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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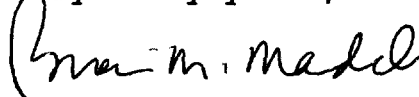
Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, DC 20554

Dear Mr. Caton:

On behalf Orville Ronald Brandon, the court-appointed Receiver for Cedar Carolina Limited Partnership, licensee of Station WJYQ(FM), Moncks Corner, South Carolina, there are transmitted herewith an original and four copies of the Comments of Orville Ronald Brandon in MM Docket No. 94-70, involving the proposed improvements in the facilities of Station WJYQ.

If any additional information is desired in connection with this matter, please contact the undersigned counsel.

Very truly yours,



Brian M. Madden

Enclosure
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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	
)	MM Docket No. 94-70
Amendment of Section 73.202(b))	RM-8474
Table of Allotments,)	
FM Broadcast Stations,)	
(Moncks Corner and)	
Kiawah Island, South Carolina))	

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To: Chief, Allocations Branch

COMMENTS OF ORVILLE RONALD BRANDON

Orville Ronald Brandon, the court-appointed Receiver for Ceder Carolina Limited Partnership, licensee of FM broadcast Station WJYQ(FM), Moncks Corner, South Carolina, by his attorneys, hereby submits these comments in support of the proposed changes to the FM Table of Allotments previously requested with respect to Station WJYQ: the substitution of Channel 288C2 in place of Channel 287C3, a change in the community of license of the station from Moncks Corner, South Carolina, to Kiawah Island, South Carolina, and the corresponding modification of the license and outstanding construction permits of the station. The Commission found these changes to be in the public interest, as they will result in a significant increase in service by Station WJYQ and provide Kiawah Island with its first aural transmission service. Notice of Proposed Rule Making, DA 94-680, released July 5, 1994 ("NPRM") at para. 3.

Since the filing of the request for rule making, the license and construction permit for Station WJYQ have been assigned to Mr. Brandon in accordance with the order of the Court of Common Pleas of the Ninth Judicial Circuit of the State of South Carolina (Case No. 91-CP-10-6125), as approved by the Commission in File No. BALH-940707GE, granted July 26, 1994. Mr. Brandon has been appointed the Receiver for Cedar Carolina Limited Partnership to oversee the foreclosure of certain obligations owed by the partnership and to hold the license of Station WJYQ pending its ultimate disposition to a permanent licensee to be approved by the Commission. Mr. Brandon is charged by the court order with protecting the rights and assets of the station, which include the proposed improvement in its facilities. Both Mr. Brandon and Jermar, Inc., which was the successful bidder at the court-ordered foreclosure sale, support the proposed modification of the allocation for Station WJYQ and the channel substitution at Kiawah Island. Attached hereto is a copy of a letter sent to Mr. Brandon by the president of Jermar, Inc., to establish that, upon approval of the assignment of the license to Jermar, Inc., it will undertake the steps necessary to

construct the facilities of Station WJYQ as a Class C2 facility at Kiawah Island, South Carolina.


The NPRM requested that certain additional information, regarding the other existing services available in the "gain area," be presented in support of the proposed upgrade of the station. Attached hereto is an engineering analysis providing the requested information. Both the large "gain area," encompassing more than 250,000 people, and the minuscule "loss area," in which fewer than 7,800 people reside, have available service from more than five FM stations; indeed, the "loss area" has service from at least seven FM stations.

For the reasons previously advanced, Mr. Brandon urges that the Commission adopt the allocation changes set forth in the

NPRM and modify the license and construction permit of Station
WJYQ accordingly.

Respectfully submitted,

ORVILLE RONALD BRANDON,
RECEIVER FOR CEDER CAROLINA
LIMITED PARTNERSHIP

By: 
Brian M. Madden
Nancy A. Ory

Leventhal, Senter & Lerman
2000 K Street, N.W.
Suite 600
Washington, D.C. 20006
(202) 429-8970

His Attorneys

August 26, 1994

Jerry Z. Ceder
Jermar, Inc.
7455 Cross County Road
Suite No. 1
North Charleston, South Carolina

August 23, 1994

Mr. Orville Ronald Brandon
3 Sawgrass Road
Suite E-16
Charleston, South Carolina 29412


Re: MM Docket No. 94-70

Dear Mr. Brandon:

As you know, Jermar, Inc. was the successful bidder for the assets of Ceder Carolina Limited Partnership at the foreclosure sale on July 29, 1994. Under the terms of the court order appointing you the Receiver for Ceder Carolina Limited Partnership, you have been authorized to seek the approval of the Federal Communications Commission for the assignment of the licenses and authorizations of Station WJYQ(FM), Moncks Corner, South Carolina, to Jermar, Inc.

There is now pending before the FCC the above-referenced rule making request to change the allocated channel for Station WJYQ(FM) from Channel 287C3 to Channel 288C2, and to change the community of license for the station to Kiawah Island, South Carolina. I am writing to provide confirmation to you that Jermar, Inc. supports the efforts to improve the facilities of the station and that it is the intention of Jermar, Inc., upon assignment of the licenses for the station as provided for in the court order, to diligently pursue the upgrade for the station now before the FCC. You may file this letter with the FCC in support of the changes proposed for the station. I remain ...

Respectfully Yours,


Jerry Z. Ceder
President

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

TECHNICAL COMMENTS
MR. ROBERT 424-70
ORVILLE RONALD BRANSON, RECEIVER
WJYO RADIO STATION
CHANNEL 28.2C2
KIAHAH ISLAND, SOUTH CAROLINA
August 1994

TECHNICAL EXHIBIT

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TECHNICAL COMMENTS
MM DOCKET #94-70
ORVILLE RONALD BRANDON, RECEIVER
WJYQ RADIO STATION
CHANNEL 288C2
KIAWAH ISLAND, SOUTH CAROLINA
August 1994

TECHNICAL STATEMENT

1. This Technical Statement was prepared on behalf of Orville Ronald Brandon, Receiver ("Brandon"), licensee of radio station WJYQ, Channel 288A, Moncks Corner, South Carolina.¹ These comments are in support of the requested upgrade and change community of license for WJYQ as requested in MM Docket #94-70. Specifically, the request is to upgrade WJYQ to Channel 288C2 and re-allot the improved channel to Kiawah Island, South Carolina, as that community's first local service. All of the information noted regarding the proposed allotment was noted in the original hearing request and is incorporated herein by reference.

2. In the Commission's Notice of Proposed Rule Making, the Petitioner was asked to submit additional information regarding the number of services available in the proposed WJYQ gain area. As outlined in the original Petition for Rule Making, WJYQ, operating on Channel 288C2, would provide service to 468,867 persons as compared to the licensed Class A serving only 226,341 persons. Thus, the re-allotment would provide 250,238 persons

1) Brandon is the successor-in-interest to Cedar Carolina Limited Partnership, the original Petitioner in this Docket.

with new service.² In addition to the population gain, it was noted that the small amount of loss area to the north of Moncks Corner would continue to receive service from at least seven other FM stations.

In its Notice, the Commission asked for information regarding the number of services available in the proposed gain area, and whether there were any under-served areas within the proposed gain area. The majority of the gain area is located in southeastern Dorchester County, western Charleston County and eastern Colleton County, South Carolina. Based on the theoretical 1.0 mV/m contour of a maximum facility operating from the reference site, we have determined that there are in excess of five services to all of the gain area. WXTC, Charleston; WSSX, Charleston; and WXLY, North Charleston, South Carolina, each provide 1.0 mV/m service to the entire predicted 1.0 mV/m of the Kiawah Island facility.³ In addition, WAVF, Hanahan; WYBB, Folly Beach; WBUB, George; and WWWZ, Summerville, South Carolina, combine to provide fourth and fifth service to the Kiawah Island gain area. There are numerous other FM stations

- 2) Because of the upgrade and re-allotment of WJYQ from Channel 288A, Moncks Corner, to Channel 288C2, Kiawah Island, 7,712 persons would no longer be able to receive 1.0 mV/m service. From the 468,867 persons in the gain area, we have subtracted the persons presently receiving service from WJYQ in order to determine the net gain figure of 250,238 persons.
- 3) There are some areas where the predicted Kiawah Island 1.0 mV/m contour extends into the Atlantic Ocean. WXTC does not completely envelop the Kiawah Island predicted 1.0 mV/m over the Atlantic Ocean, but does encompass the contour over the populated land areas.

which provide 1.0 mV/m service to portions of the gain area. These include, but are not limited to, WLOW, Port Royal; WEZL, Charleston; and WYKZ, Beaufort, all South Carolina. A calculation of available AM services in the gain area was not made, since the area is adequately served by a minimum of five full-time FM stations.

For the reasons previously submitted, Brandon requests the following changes to the Commission's Table of Allotments:

Moncks Corner, South Carolina

<u>Present</u>	<u>Proposed</u>
287C3	None ⁴

Kiawah Island, South Carolina

<u>Present</u>	<u>Proposed</u>
None	288C2

The foregoing Technical Statement was prepared on behalf of Orville Ronald Brandon, Receiver, by Graham Brock, Inc., his Technical Consultants. All information contained in this statement is true and accurate to the best of our belief and knowledge. All data relating to FM allocations and stations was extracted from the NTIA database as updated on July 28, 1994. We assume no liability for errors or omissions in that database which may be adverse to the requests contained herein.

4) WMJC(AM) will remain licensed to Moncks Corner.

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT


State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Orville Ronald Brandon, licensee of Radio Station WJYQ, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

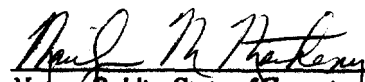
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 23rd day of August, 1994



Jefferson G. Brock
Affiant

Sworn to and subscribed before me
this the 23rd day of August, 1994



Notary Public, State of Georgia
My Commission Expires: September 8, 1995